

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re:)	
)	Chapter 11
)	
MURRAY ENERGY HOLDINGS CO., <i>et al.</i> , ¹)	Case No. 19-56885 (JEH)
)	
)	Judge John E. Hoffman, Jr.
)	
Debtors.)	(Jointly Administered)
)	

**NOTICE OF AGENDA FOR HEARING ON
MOTIONS SCHEDULED FOR DECEMBER 12, 2019**

Time and Date of Hearing: December 12, 2019, at 9:30 a.m. (prevailing Eastern Time)

Location of Hearing: The Honorable John E. Hoffman, Jr.
United States Bankruptcy Court for the Southern District of Ohio
Courtroom A, 5th Floor, 170 North High Street, Columbus,
Ohio 43215

Any party who wishes to attend telephonically is required to make arrangements through CourtSolutions by telephone (917-746-7476).

I. UNCONTESTED MATTERS

1. Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Dinsmore & Shohl LLP as Attorneys for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 213].

Responses Received:

- A. Informal comments from the United States Trustee (the "U.S. Trustee").

¹ Due to the large number of Debtors in these chapter 11 cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.primeclerk.com/MurrayEnergy>. The location of Debtor Murray Energy Holdings Co.'s principal place of business and the Debtors' service address in these chapter 11 cases is 46226 National Road, St. Clairsville, Ohio 43950.

Related Documents:

- A. Notice of Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Dinsmore & Shohl LLP as Attorneys for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 217].
- B. Certificate of Service of Motion and Notice [Docket No. 248].
- C. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 294].
 - i. Certificate of Service of Joudeleen C. Frans Regarding Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 321].
- D. First Amended Declaration of Kim Martin Lewis in Support of Debtors' Application for Entry of an Order Authorizing Retention and Employment of Dinsmore & Shohl LLP as Attorneys for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 349].
- E. Certificate of No Objection Regarding Order Authorizing the Retention and Employment of Dinsmore & Shohl LLP as Attorneys for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 350].

Status: If not entered prior to the hearing, this matter is going forward on an uncontested basis for purposes of presenting the proposed form of order.

- 2. Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Financial Advisor to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 216].

Responses Received:

- A. Informal comments from the U.S. Trustee.

Related Documents:

- A. Notice of Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Financial Advisor to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 220].
- B. Certificate of Service of Motion and Notice [Docket No. 248].
- C. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 294].

- i. Certificate of Service of Joudeleen C. Frans Regarding Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 321].

D. First Supplemental Declaration of Robert A. Campagna in Support of Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Financial Advisor to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 344].

E. Certificate of No Objection Regarding Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Financial Advisor to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 345].

Status: If not entered prior to the hearing, this matter is going forward on an uncontested basis for purposes of presenting the proposed form of order.

- 3. Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Evercore Group L.L.C. as Investment Banker to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 223].

Responses Received:

- A. Informal comments from the U.S. Trustee, the Ad Hoc Group of Superpriority Lenders, and the Official Committee of Unsecured Creditors.

Related Documents:

A. Notice of Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Evercore Group L.L.C. as Investment Banker to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 224].

B. Certificate of Service of Motion and Notice [Docket No. 248].

C. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 294].

- i. Certificate of Service of Joudeleen C. Frans Regarding Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 321].

Status: This matter is going forward on an uncontested basis for purposes of presenting the proposed form of order.

4. Debtors' Motion for Entry of an Order (I) Directing the U.S. Trustee to Appoint a Committee of Retired Employees or, in the Alternative, a Guardian *Ad Litem*, and (II) Granting Related Relief [Docket No. 249].

Responses Received:

- A. Objection of the UMWA 1992 Benefit Plan to Debtors' Motion for Entry of an Order (I) Directing the U.S. Trustee to Appoint a Committee of Retired Employees or, in the Alternative, a Guardian *Ad Litem*, and (II) Granting Related Relief [ECF No. 249] [Docket No. 299].
 - i. Certificate of Service of *Objection* [Docket No. 301].
- B. United States Trustee's Limited Objection to Debtor's Motion for Entry of an Order (I) Directing the U.S. Trustee to Appoint a Committee of Retired Employees or, in the Alternative, a Guardian *Ad Litem*, and (II) Granting Related Relief [Docket No. 300].

Related Documents:

- A. Notice of Debtors' Motion for Entry of an Order (I) Directing the U.S. Trustee to Appoint a Committee of Retired Employees or, in the Alternative, a Guardian *Ad Litem*, and (II) Granting Related Relief [Docket No. 250].
- B. Certificate of Service [Docket No. 288].
- C. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 315].
 - i. Certificate of Service of James Mapplethorpe Regarding Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019, Notice of Agenda for Hearing on Motions Scheduled for December 4, 2019 [Docket No. 342].
- D. Certificate of No Objection Regarding Agreed Order (I) Directing the U.S. Trustee to Appoint A Committee of Retired Employees, (II) Granting Related Relief, and (III) Resolving Objections by the United States Trustee and the UMWA 1992 Benefit Plan, and Notice of Filing of New Proposed Form of Agreed Order [Docket No. 374].

Status: If not entered prior to the hearing, this matter is going forward on an uncontested basis for purposes of presenting the proposed form of agreed order.

II. CONTESTED MATTERS

5. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and

Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 28].

Responses Received:

- A. Statement of Foresight in Support of, and Reservation of Rights with Respect To, Debtors' (I) Cash Management Motion and (II) DIP Financing Motion [Docket No. 59].
- B. Objection of the United Mine Workers of America ("UMWA") 1974 Pension Plan and Trust, UMWA 1992 Benefit Plan, UMWA 1993 Benefit Plan, and UMWA 1988 Cash Deferred Savings Plan to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Postpetition Financing [ECF No. 28] [Docket No. 60].
- C. Black Diamond Commercial Finance, L.L.C.'s (X) Limited Objection to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief; (Y) Reservation of Rights; and (Z) Request of Adequate Assurance [Docket No. 61].
- D. CONSOL Energy Inc. and Affiliates' Objection to the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 267].
- E. United Mine Workers of America's Objection to the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 319].
- F. Omnibus Reply of Ad Hoc Group of Superpriority Lenders in Support of Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 364].

- G. Debtors' Omnibus Reply in Support of the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 366].
 - i. Debtors' Motion for Leave to File Late Reply in Support of the Debtor's Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 373].

Related Documents:

- A. Declaration of Robert D. Moore, President, Chief Executive Officer, and Chief Financial Officer of Murray Energy Holdings Co., in Support of Chapter 11 Petitions [Docket No. 10].
- B. Declaration of Robert A. Campagna, Managing Director at Alvarez & Marsal North America, LLC, in Support of First Day Motions [Docket No. 11].
- C. Declaration of Gregory Berube in Support of the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 28-3].
- D. Certificate of Service [Docket No. 84].
- E. Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Status, (III) Granting Adequate Protection to the Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 93].
- F. Certificate of Service of Mary Susan McAndrew Regarding First Day Orders, Interim Orders, and NOL Notice [Docket No. 163].
- G. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 294].

- i. Certificate of Service of Joudeleen C. Frans Regarding Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 321].

Status: This matter is going forward on a contested basis.

III. EXHIBIT AND WITNESS LISTS

6. United Mine Workers of America's Witness and Exhibit List for DIP Financing Hearing [Docket No. 365].
7. CONSOL Energy Inc.'s Witness List for the Debtor-in-Possession Financing Hearing [Docket No. 367].
8. Debtors' Witness and Exhibit List for December 12, 2019 Hearing [Docket No. 369].

[Remainder of page intentionally left blank]

Dated: December 10, 2019
Cincinnati, Ohio

/s/ Kim Martin Lewis

Kim Martin Lewis (0043533)
Alexandra S. Horwitz (0096799)

DINSMORE & SHOHL LLP

255 East Fifth Street

Suite 1900

Cincinnati, Ohio 45202

Telephone: (513) 977-8200

Facsimile: (513) 977-8141

Email: kim.lewis@dinsmore.com
allie.horwitz@dinsmore.com

Nicole L. Greenblatt, P.C. (admitted *pro hac vice*)

Mark McKane, P.C. (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

601 Lexington Avenue

New York, New York 10022

Telephone: (212) 446-4800

Facsimile: (212) 446-4900

Email: nicole.greenblatt@kirkland.com
mark.mckane@kirkland.com

*Proposed Counsel to the Debtors and Debtors
in Possession*

- and -

Ross M. Kwasteniet, P.C. (admitted *pro hac vice*)

Joseph M. Graham (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

300 North LaSalle

Chicago, Illinois 60654

Telephone: (312) 862-2000

Facsimile: (312) 862-2200

Email: ross.kwasteniet@kirkland.com
joe.graham@kirkland.com

*Proposed Counsel to the Debtors and Debtors in
Possession*